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Received & Inspected

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FCC Mail Room

February 20, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW

Washington, DC 20554

Re: Petitions for Declaratory Ruling Regarding Public, Educational and
Governmental Access Channels, MB Docket No. 09-13, CSR-8126 (ACM *et al.*),
CRS-8127 (City of Lansing, MI), and CSR-8128 (City of Dearborn, MI *et al.*)

Dear Ms. Dortch:

Access Sacramento, public access television and community media for Sacramento County, California, supports and strongly urges the Commission to grant all three of the above-captioned petitions concerning public, educational and governmental ("PEG") access channels. Both companies, AT&T and Comcast, serve Sacramento County and carry our two channels 17 & 18. The problems created by the AT&T "channel 99" carriage of our channels and the failure to comply with FCC rules by failing to pass through closed captioning is unique to the AT&T platform and particularly offensive to our disabled and educational communities. We have also experienced "channel slamming" in the past. Comcast has changed our channel numbers on several occasions with little warning and for no apparent reason. Though different, both efforts make viewing our unique, locally created programming more difficult to find and needlessly confusing to the AT&T and Comcast subscribers. Both companies are using their editorial control over their system to make it more difficult or expensive for program producers to use, and for subscribers to access and watch PEG programming. Rather than repeat the legal arguments in the petitions, we file to explain PEG's role in our community, and why it is important to prevent operators from inhibiting access to these channels.

1. PEG Programming in Sacramento County, CA.

Five different nonprofit organizations manage the seven community PEG channels in Sacramento County. They are:

Channel 7 - KVIE PBS manages a second channel on the cable system (in addition to broadcast channel 6) providing unique programming for children during morning hours. As a

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broadcast station, all their programming is close captioned for the hearing impaired.
www.kvie.org

Channel 14 – Metro Cable 14 is government access and managed by the JPA, Sacramento Metropolitan Cable Television Commission. SMCTC Metro 14 carries “live” meetings of the County Supervisors, six different city council’s meeting, plus numerous other open government public forum meetings. All their programming is closed captioned for the hearing impaired at an expense of more than \$300,000 per year. www.sacmetroable.tv

Channel 15 and 16 – Managed by the Sacramento Educational Cable Consortium, these two educational channels are managed by all local school districts, the Los Rios Community Colleges and Sacramento State University. They carry more than 100 hours per week of distance learning classes from four different campuses. Many of these classes are close captioned for the hearing impaired. www.secctv.org

Channel 17 and 18 are managed by Access Sacramento with more than 100 weekly series, more than 4,000 hours of original programming per year, and twenty-five per cent of our programming is in languages other-than-English. Our mobile production truck covers an average of seventy high school sports and community events per year at no charge to the organizing groups. In addition to the 250,000 Sacramento County cable households, we “stream” all our programming (television and community radio) on our web site at www.Accesssacramento.org and average more than 500 viewings per day from cities all around the world.

Channel 20 – Managed by the Religious Coalition for Cable Television, a division of the Interfaith Services Bureau, programs 24/7 faith based programming, representative of our very diverse religious communities.

Thus, PEG programming in Sacramento County have served our cable-connected homes very successfully for more than 23 years. These seven channels provide local residents with informational, public safety, educational, cultural and local opinion programming of uniquely local interest that they cannot obtain elsewhere.

2. The Situation in Sacramento County

AT&T has been slow to offer the seven PEG channels to their customers in Sacramento County. Comcast offered to provide AT&T an “interconnect feed” of all seven channels for \$2,100 per month in maintenance fees 18 months ago. AT&T stated they did not want to pay anything and dragged the process out for more than one year. The local government franchise authority (the Sacramento Metropolitan Cable Television Commission) threatened litigation for more than six months until AT&T finally agreed to carry the channels. However, they can only be seen in the “AT&T channel 99 programming ghetto” with its inferior image, slow process of viewing, and without the choice of open or closed captioning. This is particular hardship for the KVIE, Metro 14 and SECC educational channels 15 & 16 lower third captioning. By carrying the caption

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"always on", the captioning for the hearing impaired covers the lower third graphics used to identify speakers and topics. Additionally the 15 second audio delay caused by the web streamed AT&T "channel 99" delivery process means that "live" college Q&A from students at home is made confusing and cumbersome for the students and teachers.

We rely upon our PEG channels to convey important public information throughout our community. People in our community rely on the channels to receive unique local information not seen or hear anywhere else. If the channels are less accessible for technical reasons, or because one must pay extra to receive the channels, the PEG channels would become a much less effective avenue for community communications, and some subscribers we now reach would not receive the information at all. We are convinced that if the Commission were to endorse the actions of AT&T and Comcast at issue in this proceeding, we have little doubt that other cable operators would soon adopt those approaches, to marginalize or effectively eliminate PEG access channels and resources and "silence" the hundreds of thousands of Sacramento County voices we currently serve.

3. The Commission Should Grant the Petitions Concerning AT&T's
PEG Product (CSR-8126 & CSR-8127)

Our experience confirms many of the deficiencies identified in the petitions. In virtually every conceivable way that matters to a viewer, the AT&T PEG product is markedly inferior to broadcast channels carried on AT&T's U-verse system: Ease of finding in the menu system, ease of access, the time it takes to reach the PEG programming, the ability to switch back and forth between local PEG programming and other channels, ability to record using DVR, closed captioning capability, and secondary audio ("SAP") capability. The AT&T explanation for this inferior product has been found to be deceptive and intentionally confusing. Competent Internet engineering experts have advised this is simply AT&T's serious attempt at destroying PEG channels by moving them out of the way, freeing up these channels to be used for more profitable commercial offerings in defiance of the 1984 Cable Act authorizing PEG channel carriage.

Accordingly, to preserve PEG as envisioned in the Cable Act, the Commission should grant the petitions in CSR-8126 and CSR-8127.

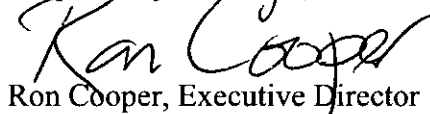
Conclusion.

Our seven Sacramento County PEG channels are a critical and irreplaceable resource for our community. They are the key medium of communication for our local government to communicate with residents, for local educational institutions to communicate with our residents, and for residents to communicate among themselves and to watch and participate in a dialogue about our community. In light of the decreasing amount of truly local programming available on broadcast and other commercial channels, PEG is the only full-time, genuinely local source of

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television programming available to our residents. On behalf of our Board of Directors and thousands of volunteer producers and viewers, we therefore strongly urge the Commission to grant all three petitions.

Respectfully submitted,



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